

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD KITCHERMAN,  
Petitioner,

CIVIL ACTION

v.

WARDEN ROSA LAMAS,  
THE DISTRICT ATTORNEY OF THE  
COUNTY OF PHILADELPHIA, and  
THE ATTORNEY GENERAL OF THE  
STATE OF PENNSYLVANIA,  
Respondents.

NO. 13-6625

**ORDER**

**AND NOW**, this 26th day of August, 2015, upon consideration of Motion for an Evidentiary Hearing filed by *pro se* petitioner, Richard Kitcherman (Document No. 7, filed February 26, 2014), Motion for Appointment of Counsel filed by *pro se* petitioner (Document No. 8, filed February 26, 2014) and Reconsider Application for Certificate of Appealability with Suggestions in Support filed by *pro se* petitioner (Document No. 26, filed June 29, 2015), and the Report and Recommendation of United States Magistrate Judge Richard A. Lloret dated July 24, 2015, no objections having been filed, **IT IS ORDERED** as follows:

1. Report and Recommendation of United States Magistrate Judge Richard A. Lloret dated July 24, 2015, is **APPROVED** and **ADOPTED**;
2. *Pro se* petitioner's Motion for an Evidentiary Hearing is **DENIED**;
3. *Pro se* petitioner's Reconsider Application for Certificate of Appealability with Suggestions in Support is **DENIED**. A certificate of appealability will not issue because reasonable jurists would not debate (a) this Court's decision that the petition does not state a valid claim of the denial of a constitutional right, or (b) the propriety of this Court's procedural

rulings with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and,

4. *Pro se* petitioner's Motion for Appointment of Counsel is **DENIED**.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**